
Application no: 13/01928/F – 293-293A Aylsham Road.
Item 4 (1) Page 15

Part 1: Further assessment of planning merits

Retail Impact Assessment

- 1.1 The submitted Retail Impact Assessment Report considers an appropriate Primary Catchment Area for the proposed foodstore of a general 5 minute drive time, encompassing: the airport - Old Catton - Sprowston Road / outer ring road - city centre – Dereham Road/outer ring road – Drayton High Road and Hellesdon. As a Primary Catchment Area this seems appropriate for an anchor foodstore and secondary foodshopping destination for people's main convenience needs. The Primary Catchment Area includes areas known as Zones 2, 3 and 6 of the 2007 Retail Study referred to at paragraphs 27-29 of the Committee Report.
- 1.2 The retail impact assessment as submitted has been considered and analysed for its proposed impact on local centres and district centres in this area.
- 1.3 It is also appropriate to consider the expected main trade draw of the proposed store, in particular the Asda and Tesco at Sprowston / Blue Boar Lane. It is worth noting that this Tesco, like the Asda store, is currently an out-of-centre location. However, in contrast to the Asda store, the store does form part of an allocation in the adopted Broadland District Council Local Plan to eventually become a District Centre once the remainder of the residential-led mixed use development of that area is complete. This designation is also within the Joint Core Strategy under Policy 13 'Hierarchy of Centres'. For the purposes of the retail impact assessment the consequences of this proposed store's impact on the Blue Boar Tesco should be considered to have marginally more weight than the consequences for the Asda store, which is out of centre and for which competition is encouraged by the NPPF (explained at paragraphs 15 and 43 in the Committee Report).

Impact on the Aylsham Road district centre

- 1.4 The store proposes 2,117 sq.m. net (trade) floorspace, of which 1,694sq.m. is proposed to be for convenience floorspace (as described at paragraph 1.11 in the submitted Retail Impact Statement). This is very similar to the Bowthorpe District Centre (1,457 sq.m. net convenience floorpace at Roys anchor store) and the Eaton District Centre (2,309 sq.m. net convenience floorpace at Waitrose anchor store). The current district centre has a Co-op of 345 sq.m. net convenience floorpace as its main in-centre foodstore, and this scale of floorspace is ordinarily that of a top-up

store. By comparison, the Retail Statement finds that (in 2007) the Aylsham Road district centre had the lowest representation of convenience goods floorspace when compared to Norwich's other District Centres.

- 1.5 This is considered appropriate evidence that the Aylsham Road District Centre has the capacity to include a new supermarket, albeit subject to the controls proposed at Conditions 3, 4, 5 and 6 to ensure that the store remains a foodstore to serve local needs and avoid an impact on existing retail outlets through uncontrolled comparison goods floorspace provision. It is therefore considered appropriate for the scale of this proposal to be approved in this location on the edge of the Aylsham Road District Centre.
- 1.6 It is worth noting that the proposal is expected to draw on trade already being 'leaked' from the catchment area. In particular, for the reasons explained at paragraph 42 of the Report, the proposed store is expected to recapture some of the 'overspend' lost from the District Centre to other larger stores. The largest trade diversions are said to include £1.4m from the Morrisons at the Riverside Large District Centre (LDC), £0.8m from Sainsbury's at Brazengate (LDC), £1.3m from various 'local stores', £1.0m from Sainsbury's Dussindale (District Centre), £0.8m from Morrisons at Old Catton, and £6.6m from Asda Boundary Road, and £3.1m from Tesco Blue Boar Lane. This clearly shows that most of the trade is diverted from established large superstores and predominantly the two largest stores both out-of-centre and on the edge of the catchment area.
- 1.7 By 2022 most of the stores assessed are still expected to trade at above 100% of their Company Average. Despite being expected to lose most trade to the Aylsham Rd proposal, Asda Boundary Rd and Tesco Blue Boar Lane are still expected to trade at 168% and 165% of their company average respectively. The most affected of the assessed single stores is that of the Morrisons at Old Catton (in the local centre) which relies on 66% of its trade coming from the same catchment area. Its trade would only be 56% of company turnover but this is still an increase since 2012.

Flexibility of scale and floorspace

- 1.8 The application has a larger floorspace than the threshold limit proposed in emerging local plan allocation policy R23 (as discussed at paragraphs 48-50 of the Committee Report), and the applicant has not proposed alternative smaller floorspaces during previous applications or pre-application discussions (as discussed at paragraph 41 of the Committee Report).
- 1.9 In considering flexibility, regard must be had to the NPPF practice guidance document; this places the burden of responsibility of demonstrating flexibility on the applicant. In doing so, case law has determined that the applicant can take the opinion that a site is not economically viable to develop at a smaller scale, and not need to provide precise calculations to prove their position. Paragraphs 2.56 and 2.62 of the Retail Statement describe how a smaller scale store would not be

sufficient to draw trade back from the competing out-of-centre stores (namely Asda and Blue Boar Tesco) and ensure that the proposed store complements rather than competes with existing 'top-up' stores in the District Centre, providing a main and secondary food shopping destination.

- 1.10 As such, in combination with the store being of a scale appropriate to the form and function of a Greater Norwich District Centre (defined by JCS policy 19), the submitted explanation for lack of floorspace flexibility is accepted in light of practice guidance and case law findings.

Impact on nearby centres

- 1.11 The Committee Report has identified how most trade is expected to derive from superstores either in centres or out-of-centre. The Retail Statement identified an available convenience goods expenditure of £55.2m between 2012 and 2022 in Zone 6 alone (allowing for changes in population and changes in expenditure per capita). This is the lowest available expenditure of the three affected Zones which contribute to the Primary Catchment Area (PCA), and together the PCA has capacity for £198.9m by 2022. This is based on the most up-to-date retail evidence base available (the 2007 GNDP Retail Study), and demonstrates a capacity for retail expenditure is available.
- 1.12 Other defined centres within or adjoining the PCA can be said to be reasonably robust in the face of additional retail floorspace. In recent years, new anchor foodstores have been constructed at the Plumstead Road district centre (approximately 1,500 sq.m. Aldi), and at the Sprowston Road local centre (approximately 1,500 sq.m. Aldi). These are capable of both retaining trade and serving local retailing needs so any impacts experienced by these centres now that they are reinforced by sizeable stores is considered acceptable.
- 1.13 In terms of comparison goods, the proposed 423 sq.m. will have a small dispersed impact across other stores in the centre and a small impact on other centres in the PCA. In particular, the proposed Condition 3 will prevent any more comparison floorspace than that proposed, and Condition 6 will prevent the comparison floorspace becoming a store in its own right. Therefore, the impact on other centres can be said to be minimal and not significant.
- 1.14 Other recent developments around Norwich since the full assessment of retailing characteristics was undertaken in 2007 are set out below; none are considered to present a significant cumulative impact on other centres alongside this store, nor are they unlikely to be able to withstand the possible diversion of trade from any associated district or local centre.
- 1.15 The Retail Topic Paper referred to at Paragraph 28 of the Committee Report acts as an update to the 2007 Retail Study. Table 6 in the Topic Paper shows the recent retail commitments, which is then expanded by the additional retail stores described in the Committee Report at

Sprowston Road, Hall Road District Centre, Hall Road Neatmarket, Longwater and Taverham.

Table 6 Convenience Retail development since 2007

Location / completed floorspace (square metres net)

/ centres position in hierarchy.

Aldi, 180 Plumstead Road* 1605 Edge of District Centre.
Aldi, 1 Larkman Lane (extension to existing store) 228 District Centre.
131 Colman Road (Bunnett Square) Co-op 390 Local Centre.
Tesco Express, 84 Unthank Road 469 Edge of Local Centre.
Tesco Express Westlegate 180 Primary Retail Area, permitted change of use.
Tesco Express 131 Dereham Road 200 Not in centre, permitted change of use.
Tesco Express The Firs 164 Cromer Road 280 Not in centre, permitted change of use.
Tesco Express 45-49 Prince of Wales Road – 220 Not in centre, permitted change of use.
Tesco Express 279 Aylsham Road 262 District Centre.
Budgens Wensum House, Prince of Wales Road 250 Not in centre, permitted change of use.
Sainsbury Pound Lane 800 District Centre, Broadland.
Sainsbury Longwater 1,483 Not in centre, South Norfolk.

Total 6,367

Permitted, not yet developed

Harford Place, Hall Road 3,174 Allocated District Centre.
Anglia Square 2,464 Large District Centre.

Total 5,628

Overall total (completed and permissions) 11,995 sq.m.

Impact on the town centre (Norwich City Centre)

- 1.16 It has been suggested that the impacts of this development on Norwich City Centre's vitality and viability should be considered through a full and updated assessment of spending patterns, trade draw and trading patterns of stores affecting the catchment area.
- 1.17 The Committee Report did not address the city centre specifically because it was felt that (i) the convenience retail element was of a scale appropriate to the District Centre's position in the hierarchy of centres and would serve the local residential area as a main foodstore in an appropriate, supported location; (ii) the main convenience floorspace expectation in the city centre, at Anglia Square, was large enough to withstand this addition and in any case will serve a defined, separate local need; and, (iii) the quantum of comparison floorspace proposed is so minimal at 423sq.m. (or just 123sq.m. above the emerging policy expectation) that any impact would not be experienced, particularly given the controls proposed in conditions.
- 1.18 For the avoidance of doubt, even considering the potential for cumulative impacts, it is not likely that the city centre's vitality and viability will be detrimentally affected by either the convenience or comparison floorspace proposed, even above the expected limits of emerging policy.

Considering cumulative impacts

- 1.19 It is also necessary to consider the impacts of this development alongside the potential impacts of other un-built stores, both those permitted and those pending a formal planning decision ('undetermined applications'). This may not have been clear in the original Committee Report, so is described here. It is acknowledged that the submitted retail impact assessment statement did not consider such impacts, but for the avoidance of doubt officers can provide a summary of the impact below.
- 1.20 Of the known un-built proposals, only one at Taverham is within or on the fringe of the Primary Catchment Area or its wider retail study area Zone 6, but two additional proposals, at Longwater and Hall Road district centre (Asda), are considered significant enough to be able to cause an impact on the city centre due to their comparison retail goods content which could have a cumulative impact in tandem with this proposal.
- 1.21 The Taverham proposal is for a 4,181 sq.m. supermarket and separate 'lifestyle leisure centre' of 3,252 sq.m. of which 65% floorspace would be used for comparison goods retailing (2,114sq.m.). This has a Broadland District Council resolution to approve (committee date 08.01.14, application ref 20131175).
- 1.22 In terms of convenience retail floorspace, this is larger than that proposed at Aylsham Road, but is not considered likely to cause an unacceptable adverse cumulative impact on other centres in tandem with the 2,117sq.m. sales floorspace of this Aylsham Road proposal, due to the reasons discussed at paragraphs 42-47 of the Committee Report, and the likelihood that most trade for that proposal is expected to be diverted from the Hellesdon Asda, Longwater Sainsbury's, Drayton Tesco and Blue Boar Tesco stores, all of which are national retailers capable of retaining trade in the face of competition. The proposed Conditions 3, 4, 5 and 6 will also ensure the Aylsham Road store does not create an impact which exceeds that assessed in the submitted and accepted Retail Impact Assessment.
- 1.23 In terms of comparison retail floorspace, the Aylsham Road proposal of 423 sq.m. (which is to be controlled by proposed Condition 3) has minor impact when considered alongside the 2,114sq.m. of the Taverham site. It has even smaller impact when considered alongside the significant floorspace proposed in the undetermined Longwater proposal. The cumulative impact contribution of this store is lessened still when the Hall Road Asda is factored-in. Further, this assessment can reasonably consider the expectation in the emerging local plan site allocation R23 for this site to include up to 300sq.m. comparison goods floorspace; the resultant 'net increase' of 123sq.m. of expected comparison goods floorspace proposed by the application is considered to have negligible cumulative impact on other centres and the city centre solely as a result of this proposal.
- 1.24 The Longwater proposal of 6,663sq.m. gross floorspace and 4,669sq.m. net floorspace is a much more significant size of retail store, all of which is for comparison goods sales proposed by retailer Next. This

has a South Norfolk District Council resolution to approve (committee date 08.01.14, application ref 2013/1259). Although an assessment of cumulative impact should consider the implications of the existing Next store at Longwater remaining open (despite suggestions to the contrary of the applicant in that particular case), the small area of comparison floorspace created by this Aylsham Road application (which is particularly small when discounting the 300sq.m. R23 emerging allocation expectation) is dwarfed by the additional comparison goods area in the undetermined application at Taverham in addition to this expansion at Longwater.

- 1.25 Further, as described at Committee Report para 48, the Hall Road district centre (Asda) store was approved by Norwich City Council in 2013 (application 12/02003/F) with a comparison goods floorspace area of 1,124sq.m. However, this restricting threshold was imposed to ensure the new store serves the needs of the surrounding district centre residential area only (as is intended by the proposed Conditions 3 and 4 of this proposal), and the cumulative impacts from an additional 423sq.m. comparison area in this proposal is not likely to have a significant effect on either the city centre or the Hall Road district centre (which is far away from the Aylsham Road district centre catchment).
- 1.26 In summary, the 'unexpected' 123sq.m. comparison floorspace proposed in excess of that allowance anticipated in the emerging allocation is considered to have negligible cumulative impact on other centres and the city centre solely as a result of this proposal.
- 1.27 Assuming that significant weight can be afforded to the emerging local plan site allocations plan, and policy R23 in particular, it is considered that a proposal in this location and subject to the controls proposed in Conditions 3, 4, 5 and 6 will represent a sustainable form of development with no unacceptable significant adverse retail impact on the adjoining centre or other centres including the town centre, from either the store on its own or in terms of its cumulative impact with other committed sites.
- 1.28 This assessment should also take into account the likelihood of such other sites progressing towards being developed. Of the applications referred to above, there are no reasons to suggest that any will not be progressed to development given their recent approvals or resolutions to approve.
- 1.29 However, it should be noted that Anglia Square has recently begun to be advertised as possibly being for sale by its current owners, although the exact location of the areas in question are unknown. In terms of cumulative impact, this simply means that the Aylsham Road store may itself 'overtrade' until such time as an anchor store at the Anglia Square Large District Centre is built, as would all other stores in the area whilst the identified need / capacity for convenience expenditure until 2021 remains unmet (as identified in the 2007 GVA Grimley Retail Study).

- 1.30 This news also gives reason to reconsider the sequential assumptions made at paragraph 31 of the Committee Report. It is not considered necessary to change the statement that other sequentially-preferable sites do not exist, however, because (i) it is not known if the Anglia Square site is fully available, (ii) the planning permission at the site remains extant and is for a mixed use development of significantly greater scale than that proposed at Aylsham Road, and (iii) the complexity of delivering development on the site is so great that it may effectively mean the site is unviable in its approved form. In any case, in sequential terms the Aylsham Road proposal is still considered edge-of-centre and appropriate to meet the needs of the surrounding residential population and a foodstore in that location is recognised as being needed anyway.

Travel Plan performance bond

- 1.31 The County Council have requested use of a planning obligation to secure a performance bond for fulfilment of Travel Plan requirements, amounting to a value of £75,000. Discussions are ongoing regarding the necessity of this or whether it can be dealt with by a new condition to be commenced and operated upon first use of the development.

Objection made and withdrawn

- 1.32 It should be noted that an objection was made in the week since the Committee Report was published concerning the absence of a specific designed-in vehicle access route to the rest of the R23 allocation site to the north of this site. The objection suggested that a development brief for the whole site should be provided and a full transport assessment undertaken to consider the proposed allocation's mix of uses and a comprehensive approach to vehicle access for the whole allocation site.
- 1.33 This was addressed in the planning committee report anyway at paragraphs 24, 54, 72 and 76. The objection was available to view in the public domain but at the objector's request has since been withdrawn in full as of 03 February 2014.

Community Infrastructure Levy

- 1.34 The suggestion at Committee Report paragraph 116 that CIL would not be applicable to this proposal is too definitive. The applicant has suggested CIL would not apply at present; however, the Government is consulting on proposed changes to CIL legislation and as CIL is payable upon commencement of development the scheme may possibly be liable.

Environmental Impact Assessment (EIA)

- 1.35 The original Committee Report omitted the fact that with a site area of 1.2ha and as an Urban Regeneration development, the scheme would fall within Schedule 2 of the 'EIA Regulations' 2011 and require screening as to whether it constitutes EIA Development. It has been considered that the scheme is not likely to create significant environmental impacts and as such is not EIA Development. The highways impacts are not considered significant in light of both former and existing uses and traffic already using Aylsham Road, and although dramatic the design of development will not

cause a significant environmental impact on the surrounding area. Contamination is perhaps the most notable change in circumstances, but in the context of the ongoing remediation strategy initiated under former planning consents it is not considered significant and in need of further assessment over and above the information provided in the application.

Site Contamination

- 1.36 The applicant has been at pains to emphasise in recent days how their efforts in site remediation should be acknowledged and possibly result in a variation to the recommendation and conditions imposed. The levels of work undertaken is acknowledged but the resulting information is extensive and requires further liaison between LPA and Environment Agency. It is recommended that Committee approve the use of proposed Conditions 13, 14 and 15 in a form that can be varied under authority delegated to the Head of Planning as a result of liaison with the Environment Agency. In the unlikely instance of the Environment Agency suddenly objecting to the proposals, the application would be referred by to Planning Committee.

Part 2: Weighing up the planning merits of the proposal

- 2.1 A decision to grant planning permission should be made in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 For the avoidance of doubt, the development plan for Norwich includes the Joint Core Strategy (JCS) and the saved policies of the adopted City of Norwich Replacement Local Plan (2004).
- 2.3 The NPPF is a material consideration in the decision. The emerging Site Allocations Plan and Development Management Policies Plan are also material considerations in the decision, and both are subject to public examination in the Spring. It is worth noting that no objections to the principle of development or the scale of retail proposed within proposed Site Allocation R23 have been received. The comments received to the policy proposal are concerned with: amenity issues for neighbours; a desire to keep the allocation flexible in terms of partial / comprehensive development; public transport access; design; and, keeping retail to the site frontage.
- 2.4 The NPPF (at NPPF paragraph 216) states that appropriate 'weight' should be afforded to these emerging policy documents proportionate to their stage of advancement towards adoption (albeit subject to the weighting considerations discussed at page 22-23 of the Report prior to paragraph 15). It is considered appropriate to apportion significant weight to emerging site allocation policy R23 given its pre-examination stage, the absence of objections to its use in principle, and the consistency of the emerging policy with the NPPF.

- 2.5 Within the JCS, Policy 11 identifies Norwich city centre as the regional centre and all significant retail development should be directed there. JCS Policy 19 requires that scale of retail proposals should be appropriate to the form and function of the centre within the hierarchy of defined centres. The adopted Local Plan policy also states in saved policy SHO3 that retail proposals above 1,000sq.m. should undertake an impact assessment, and such a proposal “will only be permitted where it is of a scale consistent with the catchment appropriate to a centre’s position in the hierarchy... new retail development will only be permitted if there is no significant detrimental impact on (i) the vitality and viability of existing centres....”.
- 2.6 The NPPF also states (at NPPF para 27) that retail proposals should only be refused if they are considered likely to create a ‘significant’ adverse impact on defined centres.
- 2.7 In response to concerns from objectors, officers wish to clarify that it is not for lack of evidence that there is considered that there will not be a significant detrimental impact; rather Committee Report para 47 was intended to emphasise that in addition to officers finding that there would be no significant impact from the development, officers wanted to also point out that there was no available up-to-date evidence to contradict the findings of the submitted retail statement. Line 7 of para 47 should have in fact read: “...As there is *also* no up-to-date technical evidence...”.
- 2.8 When considering the merits of the proposals, it should be noted that in the absence of a floorspace threshold policy limiting the expansion of the Aylsham Road District Centre, the proposals conflict with the development plan only in that the location of the new retail store is not in the location indicated in the adopted local plan proposals map, which was said to be the most sequentially-preferable location (which the adopted Local Plan suggests is to the rear of the existing District Centre). This is outweighed by the more recent advanced proposal in the emerging local plan Site Allocation R23 for the store to be built in the site now proposed on the frontage and south of the edge of the District Centre. As sequential assessment has found that no other sites are available in centres which are not already planned, permitted or committed to.
- 2.9 In all other respects the proposals are consistent with the development plan by the floorspace scale being appropriate to the role, form and function of the district centre and its position in the JCS hierarchy of centres. Any potential impact of this scale of floorspace and its role in serving the area is further controlled by the use of proposed Conditions 3, 4, 5 and 6 as listed in the Committee Report.
- 2.10 In addition to being consistent with the development plan, the proposals are also consistent with the material considerations for retail policy, namely the NPPF and advanced stages of the emerging Site Allocations Plan policy R23.

Part 3: Additional representations:

3.1 - Further **support** has been received in 5 letters, concerning:

| Issues | Response |
|--|----------------------------------|
| Re-use of the site | Paragraph 59-69 of the report. |
| New jobs | Par. 26-27 of the report. |
| A store would be much more accessible than existing supermarkets especially for those without a car, and will be on direct bus routes. | Par. 26-27, 31-33 of the report. |
| The store seems a 'decent' size. | Par. 27-50 of the report. |
| The store would provide more choice for shopping. | Par. 15 of the report. |
| The traffic impact will be little different as there was a car dealership, waste paper and oil depot on the site beforehand. | Par. 72-84 of the report. |

3.2 - An **objection petition** has been received, comprising 72 signatures. There are no specific concerns raised; those signing the petition ask that "...the Norwich City Council and the planning committee to urn down the Morrison's application to build a medium sized superstore on the Goff's site on Aylsham Road."

3.3 - Further **specific objection** has been received, concerning the assessment of retail impact, and making specific referral to paragraphs in the planning committee report. The objector's issues are:

- assessment of impacts is based on out-of-date retail date (para 27);
- the absence of impacts assessed for the city centre (para 29);
- the reliance on qualitative not quantitative impacts (para 36-41);
- the absence of impact assessments relating to the effects of the proposed comparison floorspace element (para 39);
- the lack of flexibility shown by the applicant (para 41);
- the unrealistic and unsupported suggestion that other operators may provide as much as 80% sales floorspace does not justify the excessive floorspace above expected emerging policy limits (para 46);
- the retail impact assessment discussion in the report concludes with a suggestion that the LPA is allowing a lack of evidence of an unacceptable impact to justify the proposal, rather than requiring the applicant to demonstrate that there will not be any likely significant adverse impacts created by the proposal (para 47);
- additional weight should be given to the emerging policy's proposed comparison floorspace limit (of 300sq.m.) because recently permitted schemes (e.g. Hall Road) have considerably more comparison floorspace which has not been addressed by the retail statement, and the fact that other sites have received permission with greater proportions of comparison floorspace should not be a consideration which is allowed to outweigh this concern (para 48).

Response: All points raised are addressed in Part 1 (paras 1.1 – 1.30) and Part 2 (para 2.7) above.

Part 4: Changes to Recommendation:

- (i) Delete reference to the travel plan performance bond in Recommendations (1) and (3) so that the Section 106 Agreement only concerns street tree provision and maintenance;
- (ii) Insert a new Planning Condition to require the Travel Plan to be commenced and operated upon first use of the development.
- (iii) Approve the use of proposed Conditions 13, 14 and 15 in a form that can be varied under authority delegated to the Head of Planning as a result of liaison with the Environment Agency. In the unlikely instance of the Environment Agency suddenly objecting to the proposals, the application would be referred by to Planning Committee
- (iv) 4th recommendation added to authorise the head of planning to resolve the issue of the bond referred to in para 1.31 above by either inclusion in a Section 106 agreement or via planning condition following further discussions with the County Council

Application no: 12/01598/VC – Wentworth Gardens, former Civil Service Sports Ground, Wentworth Green, Eaton.

Item 4 (2) Page 53

1. Correction to the Committee Report:

Paragraph 8(4)(iii) - Within the Highways Works, the kerbs to the new access road have been provided as part of Section 38 highway adoption design standards, and do provide the necessary 6m kerb radii at the new junction. The relevant sub paragraph should be amended as: “~~NOT~~ PROVIDED.”.

2. Additional representations:

2.1 - One letter of representation has been submitted subsequent to the Report being published; this is from a neighbour close to the entrance to the site on Wentworth Green and specifically addresses the Highways Works discussed at Paragraph 8(4) of the report.

2.2 - The concerns are discussed below. Paragraphs 7 and 13 of the Report refer:

| Concern | Response |
|---|---|
| The outstanding Highways works obligations described in the original Section 106 Agreement should not be abandoned, and should be required for the reasons set out below: | The works contained in the original permission were excessive for the likely impact arising from the development and any issues for traffic on Wentworth Green. |
| 1) There has been a notable increase in | Visibility is adequate for cars leaving |

| | |
|--|---|
| traffic and the works are necessary for road and pedestrian safety, especially to provide adequate visibility. | the new Turnberry Road. There are no requirements to provide a certain visibility splay design for cars entering such a minor side road. Cars using the road should be slowed sufficiently by the speed table to enable safe crossing by pedestrians / cyclists using Donkey Lane. |
| 2) The site provides convenient access to Eaton Primary School and numbers of young children using the access will increase here. | The route to the school off Greenways is convenient, but the measures were not designed to act as safety measures for this, and the junction functions well outside the school drop-off hours. |
| 3) School drop-off parking on the pavements makes the access unsafe, and more parents will use it when the golf club access closes. | The works required on the original permission will not arrest the ad hoc parking, only cause the bollards to be damaged if they were in place. |
| 4) Vehicles leaving the site can not see properly to their left because a fence has been erected to block the view. | The visibility splay from the edge of the 'give way' markings on the road is acceptable. |
| 5) Pedestrians / cyclists leaving Donkey Lane into the new junction are unsafe because the fence blocks views. | The fence was not included in the original or pending amended permissions. See comment 3.2 below. |
| 6) There have been 'near misses' at the junction and there should be a presumption in favour of accident prevention rather than cure. | The works in themselves are sufficient to make the access safe for this development, but the arrangement of the junction has been made more complicated by the unauthorised fence which should be resolved (as below). |
| 7) The narrowing and use of bollards would prevent hazardous parking. | The road is narrow enough already to provide a safe standard for an adoptable highway and has been built to the specification required for adoption. Past experience has shown that such single bollards are ineffective on their own in stopping parking and only serve to reduce the width of the pavement creating pedestrian difficulty. |
| 8) The application has not been adequately publicised, on site, referring to this meeting, and 'all residents' may not have been advised in writing. | The application has been advertised frequently on site and via letters to all adjoining existing residents and all homes within the new development at February 2013. The committee meeting has been advertised by letter / email to all people who registered an interest in the application. Committee meetings are not advertised on site. |

3. Further assessment / expansion of planning committee report:

3.1 - Outstanding Highways work obligations:

The Highway Authority has been asked to substantiate their position described in the report at Paragraph 7. They confirm that (summarised):

- The Highways Authority does not consider the works to be necessary, and the junction is built to the necessary standards set by the Section 38 highway adoption process.
- The visibility splay provided is greater than that normally expected for a junction of this setting, and the kerb build-outs / road narrowing are not required for the levels of traffic using the junction.
- Single bollards have little function and will not prevent pavement parking and are only used for demonstrable safety or access reasons, and likely only become a maintenance liability where not essential.
- Coloured surfacing is only used sparingly and is not appropriate to this quiet cul-de-sac location.
- Cycle works across the Newmarket Road / Sunningdale junction are not only unnecessary but also to add extra line marking within the road is not possible under Department for Transport legislation.
- Cycle signage across the site is not required for the highway authority as the route is not to be adopted, but signage would be useful anyway, such as a small roundel to identify the shared cycle / footway use.
- The drainage system is not solely for highways drainage so will not be adoptable either by the highway authority, or the City Council in any other capacity, so the outstanding payment is unnecessary.

3.2 – The adjoining fences:

Neither the fence erected at the west side of the Turnberry junction, nor the fence opposite on the east side of the junction adjoining Haworth Way, were included in the permissions for Wentworth Gardens. In themselves they do not have planning permission, and both appear too tall to be Permitted Development for fences against a highway. The fence on the west of the junction does complicate the junction somewhat because a pavement in this location was never planned (due to land ownership uncertainties and anticipated low levels of vehicle traffic) and the visibility with the fence in situ is less than ideal in respect of the junction of Donkey Lane. A smaller fence within permitted development limits (a maximum 1m high) would improve the situation, but failing that the situation should be reconsidered through a formal application process. It may be possible for additional land to become highway if a pavement area was designed-in to connect Wentworth Green and Donkey Lane continuously and the fence realigned accordingly.

4. Changes to Recommendation and previous Committee Resolution of 14th February 2013:

- 1) It is noted above that the Highways Authority have recommended the use of signage on the shared cycle / pedestrian route. As the Local Planning Authority has not yet issued a decision notice, case law has shown that there is an ongoing obligation to consider any material considerations brought to the LPA's attention. The issue of pedestrian / cyclist safety on- and promoting use of- the shared cross-site access

link is a material consideration. As such, this can be added to the list of planning condition requirements on the pending planning permission. It is therefore suggested that the following new planning condition be included within the Committee's resolution of 14th February 2013.

New condition:

"There shall be no occupation of the final dwelling to be occupied within the development until appropriate signage has been installed to the cross-site pedestrian and cycle route in accordance with details of signage location and design, to be first submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter."

- 2) The fences erected to the west and east of the Turnberry Junction both require planning permission if they are to be retained in their current form. It is requested that the Committee authorise officers to proceed with issuing a planning enforcement notice if (i) alterations are not made to bring the fences into permitted development, or (ii) planning permission is refused if an application(s) is made for the fences to be retained in their existing position and form.
-